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Attorneys for Defendants City of Phoenix, Harris, Henry and Scott

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Pinkhas and Isabella Brik, on behalf of
Igor Brik, a protected adult; Pinkhas and
Isabella Brik, husband and wife,

Plaintiffs,

v.

Maricopa County, a public entity;
Joseph M. Arpaio, in his official and
individual capacity, and Ava Arpaio,
his wife; City of Phoenix, a public
entity; Jack F. Harris, in his official
and individual capacity, and Connie
Harris, his wife; Shawn Henry, in his
official and individual capacity, and Jane
Doe Henry, his wife; Craig Scott, in his
official and individual capacity, and Jane
Doe Scott, his wife; John and Jane Doe
Officers; John and Jane Doe Supervisors;
John Does I-X and Jane Does I-X; Black
Corporations I-X; White Entities I-X,

Defendants.

Case No:

NOTICE OF REMOVAL

Defendants City of Phoenix, Harris, Henry and Scott hereby file this Notice of Removal to remove this case from the Superior Court of Arizona, in and for the County of Maricopa, to the United States District Court for the District of Arizona, and submits the following statement as the grounds for removal:

1. On July 7, 2009, plaintiffs filed this action in the Superior Court of Arizona, in and for the County of Maricopa, against City of Phoenix, Harris, Henry and Scott. The

1 cause has been assigned cause no. CV2009-092267. That complaint is attached hereto as a
2 part of Exhibit A.

3 2. The complaint is a civil action alleging a claim of damages pursuant to 42
4 U.S.C. §§ 1983 and 1988 for an alleged violation of rights protected by the Constitution
5 and laws of the United States of America, as well as state law claims.

6 3. A copy of this notice of removal is being contemporaneously filed with the
7 Clerk of the Superior Court of Maricopa County, Arizona, and also served on counsel for
8 the plaintiffs.

9 **GROUND FOR REMOVAL**

10 4. The United States District Court has jurisdiction of this matter pursuant to 28
11 U.S.C. § 1331, as plaintiffs' complaint asserts claims under the laws and Constitution of
12 the United States.

13 5. This action is removed to the United States District Court pursuant to 28
14 U.S.C. §§ 1441 (a), (b) and (c).

15 6. Plaintiffs' complaint alleges federal statutory claims based upon an alleged
16 violation of the plaintiffs' constitutional rights as guaranteed by the 4th, 8th and 14th
17 Amendments to the Constitution of the United States.

18 7. Undersigned counsel has conferred with counsel for all of the defendants in
19 this matter. All defendants consent to the removal of this action.

20 **TIMELINESS OF REMOVAL**

21 8. This notice of removal is timely pursuant to 28 U.S.C. § 1446(b), in that
22 plaintiffs filed their original complaint on July 7, 2009, and served the complaint on
23 defendants City of Phoenix and Harris on July 31, 2009, on defendants Maricopa County
24 and Arpaio, and on defendants Henry and Scott on August 5, 2009.

25 9. The time within which to remove this matter, or respond to the complaint as
26 required by 28 U.S.C. § 1446(b), has not yet expired.

ATTACHMENT OF STATE COURT PLEADINGS

10. As required by 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon these removing defendants are attached hereto as Exhibit A.

11. As required by 28 U.S.C. § 1446(d), notice of this removal has been given to all adverse parties. The undersigned has filed, simultaneously herewith, a copy of this notice of removal with the Clerk of the Superior Court of the State of Arizona in and for the County of Maricopa. (Exhibit B.)

DATED this 24th day of August, 2009.

HOLLOWAY ODEGARD FORREST & KELLY, P.C.

By s/Paul W. Holloway

Paul W. Holloway

Larry J. Wulkan

3101 North Central Avenue, Suite 1200

Phoenix, Arizona 85012

Attorneys for Defendants City of Phoenix, Harris,

Henry and Scott

CERTIFICATE OF SERVICE

I certify that on the 24th day of August, 2009, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Jeremy S. Geigle, Esq.

Jared E. Everton, Esq.

JACKSON WHITE

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EXHIBIT A

JACKSON WHITE
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

PINKHAS and ISABELLA BRIK on behalf
of IGOR BRIK, a protected adult; PINKHAS
and ISABELLA BRIK, husband and wife,

Plaintiffs,

v.

MARICOPA COUNTY, a public entity;
JOSEPH M. ARPAIO, in his official and
individual capacity, and AVA ARPAIO, his
wife; CITY OF PHOENIX, a public entity;
JACK F. HARRIS, in his official and
individual capacity, and CONNIE HARRIS,
his wife; SHAWN HENRY, in his official and
individual capacity, and JANE DOE HENRY,
his wife; CRAIG SCOTT, in his official and
individual capacity, and JANE DOE SCOTT,
his wife; JOHN and JANE DOE OFFICERS;
JOHN and JANE DOE SUPERVISORS;
JOHN DOES I-X and JANE DOES I-X;
BLACK CORPORATIONS I-X; WHITE
ENTITIES I-X,

Defendants.

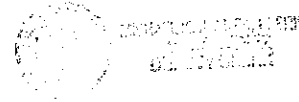
Plaintiffs Pinkhas Brik and Isabella Brik, as husband and wife and on behalf of their
incapacitated son, Igor Brik, allege as follows:

GENERAL ALLEGATIONS

1. Maricopa County is a public entity, formed and designated as such pursuant to

CCPY

JUL - 7 2009



CITY OF PHOENIX

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CITY OF PHOENIX

RECEIVED

CV 2009-092267

No. _____

COMPLAINT

(Tort Non Motor Vehicle;
Violation of Civil Rights -
42 U.S.C. § 1983)

Jury Trial Requested

1 Title 11, of the Arizona Revised Statutes. It is subject to civil suit and may be held independently
2 and vicariously liable for the wrongful conduct of its officers and employees, including the
3 individual members of the Maricopa County Board of Supervisors, the officers and employees of
4 its divisions, and the Maricopa County Sheriff's Office ("MCSO") (Maricopa County and the MCSO
5 are collectively referred to as the "County").

6 2. Sheriff Joseph M. Arpaio ("Arpaio") was, at the time of the events complained of
7 herein, the duly elected sheriff of Maricopa County. In such capacity, Arpaio was an officer, agent,
8 and employee of the County. His wrongful actions constitute actions of the County, and the County
9 is also vicariously and directly liable for his wrongful conduct.

10 3. The City of Phoenix is a public entity, formed and designated as such pursuant to
11 Title 11, of the Arizona Revised Statutes. It is subject to civil suit and may be held independently
12 and vicariously liable for the wrongful conduct of its officers and employees, including the
13 individual members of the City Council, the officers and employees of its divisions, and the Phoenix
14 Police Department ("PPD") (Phoenix and the PPD are collectively referred to as the "City").

15 4. Police Chief Jack Harris ("Harris") was, at the time of the events complained of
16 herein, the duly appointed police chief of Phoenix. In such capacity, Harris was an officer, agent,
17 and employee of the City. His wrongful actions constitute actions of the City, and the City is also
18 vicariously and directly liable for his wrongful conduct.

19 5. The defendants designated herein as John and Jane Doe Officers are MCSO and PPD
20 officers that were on duty from July 10, 2008, through July 14, 2008, and who had any responsibility
21 whatsoever regarding the arrest and detention of Igor Brik or the supervision of Officer Scott,
22 Officer Henry, or other officers in charge of Igor Brik.

23 6. The defendants designated herein as John and Jane Doe Supervisors are MCSO and
24 PPD supervisors, commanders, or any other managers of the MCSO or PPD who had any
25 responsibility whatsoever for training and supervising MCSO and PPD employees working from
26 July 10, 2008, through July 14, 2008.

10. The true names, capacities, and relationships, whether individual, corporate, partnership, or otherwise of all John and Jane Doe Defendants, Black Corporations I-X, and White Entities I-X are unknown at the time of filing this Complaint. The plaintiffs further allege that all of the fictitiously named defendants were jointly responsible for the actions and events underlying this lawsuit and that they proximately caused the damages stated in this Complaint.

13. Igor Brik was born on March 22, 1969. Early in his life, doctors diagnosed him with tuberous sclerosis, epilepsy, and cognitive deficits. Consequently, he has the mental capacity of a seven year old. His IQ has been tested at 55 and 57.

1 14. Igor attended ^aan day care program provided by United Cerebral Palsy ("UCP") for the
2 mentally handicapped. Igor has been described as being a very calm person unless he becomes
3 unstable on his seizure medications. At times after suffering a series of seizures, Igor's mental and
4 behavioral stability can decline.

5 15. On the morning of July 10, 2008, Igor did not want to go to the day care program.
6 Igor was upset and refused to leave the house.

7 16. His parents, Pinkhas and Isabella, called the UCP and the Division of Developmental
8 Disabilities to counsel with them regarding Igor's mental instability. The UCP recommended that
9 they call Terros, a crisis counseling center, to get a counselor to help.

10 17. In response, the dispatcher at Terros said that a counselor would be dispatched to
11 assist the family in helping Igor. The family contacted Terros. Terros explained that they would
12 require a police escort to protect the counselor and Igor from any harm.

13 18. The Terros dispatcher specifically warned the police that this was a mentally disabled
14 person and not to go into the house without a request from the Terros counselor.

15 19. Pinkhas and Isabella waited outside the house for the counselor, but the police arrived
16 first. Officer Shawn Henry and Officer Craig Scott immediately and aggressively approached
17 Pinkhas assuming he was Igor. They even said to Pinkhas, "Igor stand back!" Pinkhas was finally
18 able to explain that he was Igor's father and that Igor was lying on his bed in the house.

19 20. The police then demanded to be let into the house even though the Terros counselor
20 had not yet arrived. Intimidated by the police officers, Pinkhas allowed them to enter his home, and
21 the officers told Pinkhas to wait outside.

22 21. The officers entered Igor's room and found him lying on his bed looking at a book.
23 Igor was confused by the officers' presence and became very frightened.

24 22. Upon information and belief, the dispatcher told the police that Igor was mentally
25 handicapped, and explained to them that they were to be present for precautionary reasons.

26 23. Igor became frightened and combatant. The officers wrestled Igor to the ground, used

1 their tazer stungun weapons multiple times on him, and handcuffed Igor.

2 24. The officers took Igor out of the house barefoot and in his underwear. He was
3 screaming in pain, and his parents tried to explain his condition to the officers and pled with them
4 to stop.

5 25. The fire department came, evaluated Igor and determined that he needed to go to the
6 hospital because his heart was racing at more than 200 beats per minute.

7 26. Confused by the events, Igor struggled against the police, and they slammed him on
8 the ground, causing an inch long laceration over his right eyebrow.

9 27. The Terros counselor finally arrived and was confused as to what had happened. He
10 was confused because the dispatcher had specifically told the police that the police were to serve
11 as escorts and that they were not to enter the home unless the counselor asked for assistance. He
12 was further confused as to why the officers arrested Igor.

13 28. Igor took several different medications to regulate his behavior and his epileptic
14 seizures.

15 29. While Igor was in the hospital, his brother-in-law called the Department of
16 Developmental Disabilities ("DDD") regarding his medication. The DDD coordinator said she
17 faxed information about Igor's medications to the County jail, and the fax specifically stated that
18 the medication was required to control Igor's seizures.

19 30. The DDD coordinator also said that Igor should be placed in the psychiatric unit and
20 not in general population.

21 31. Before Igor was taken to jail, his parents confirmed with the officers that he would
22 be given the appropriate medication.

23 32. On July 12, 2008, Igor was in custody at the County jail.

24 33. The prison medical department telephoned Pinkhas Brik for clarification on Igor's
25 medication. The message indicated that Igor had not been given his medication since July 10, even
26 though the family and the Department of Developmental Disabilities made it very clear that Igor

1 needed his medication daily.

2 34. Igor's sister called the jail's medical department to explain the situation, and the
3 supervisor there confirmed that Igor had not received his medication and that Igor was being treated
4 like all the other prisoners and held in general population.

5 35. On July 14, 2008, Igor's parents went to the jail to have him released on bail.

6 36. When he was finally released in the early hours of July 15, he was rushed to a hospital
7 emergency room where he was placed on life support.

8 37. While in custody, Igor suffered multiple seizures because he did not receive his
9 medication.

10 38. When Igor arrived at the hospital, he had acute respiratory failure and had to be
11 intubated. He had bruises and scratches on almost every part of his body. His face was swollen,
12 cut, and bruised.

13 39. Igor was in the hospital for two weeks and on life support for most of the stay. He was
14 discharged into an acute rehabilitation facility for a week.

15 40. To this day, Igor continues to suffer from the effects of being arrested and incarcerated
16 without his required medical care.

17 41. The criminal charges were dropped because, as UCP originally told the police, Igor
18 is mentally handicapped. The psychologist who evaluated his fitness for trial determined that he was
19 incompetent to stand trial and would never be competent. He has the mind of a child, and this
20 experience has caused him to digress even further.

21 42. Igor does not understand many of the simple things that he understood before this
22 incident. He has stopped talking and interacting, is less responsive, and is very withdrawn.

23 43. Igor is now taking additional heart medication that was not required before this
24 incident, and he is experiencing many more seizures than he previously experienced.

25 44. Igor has also become more violent since his incarceration. His parents have had to
26 place him in a group home because they can no longer care for him at their home, and they fear that

1 he may hurt them.

2 45. Igor is also taking new medication to control aggressive and inconsistent behavior that
3 developed after this experience. He can quickly become physically dangerous.

4 46. Igor has repressed the events surrounding his arrest, jail stay, and hospital stay. He
5 also likely now suffers from Post Traumatic Stress Disorder.

6 47. Igor, Pinkhas, and Isabella continue to suffer emotionally from the officers' attack and
7 arrest of Igor.

8 48. These events took place in the direct and immediate presence of Pinkhas and Isabella
9 Brik, Igor's parents. They were horrified at the sight of their mentally handicapped son being
10 dragged away from their home.

11 49. These events have caused severe physical and emotional damage to each member of
12 the Brik family.

13 50. Plaintiffs filed a timely Notice of Claim pursuant to A.R.S. § 12-821.01 addressing
14 the deprivation of civil rights and related state claims, which is a condition precedent to filing the
15 state law claims in this suit.

16 51. The City responded requesting additional information, which the Briks provided. The
17 City then denied the claim.

18 52. The County failed to respond to the Notice of Claim within the sixty day time period.

19 53. The defendants have not otherwise resolved the state law claims as stated herein.

20 54. All conditions precedent to file this instant action have been met.

21 55. Each of the defendants is a state actor.

22 56. As it applies to each cause of action that follows, each individual defendant is sued
23 in his individual capacity and has undertaken state action and has acted under "color of law," as
24 defined by case law.

25 57. Each act alleged herein was committed with deliberate indifference to plaintiffs'
26 constitutional rights unless that standard is different for the constitutional violation alleged and is

1 otherwise specified in the separately pled cause of action.

2 58. The plaintiffs have suffered injury as a result of each act alleged herein, including but
3 not limited to humiliation and degradation, pain and suffering, loss of liberty, physical injuries and
4 other damages authorized by law.

5 59. These injuries were directly and proximately caused by the wrongful acts committed
6 with deliberate indifference to clearly established constitutional rights.

7 60. Punitive damages are sought for the abhorrent behavior of the individual defendants
8 in this case since the violation of the plaintiffs' rights was willful or malicious; the individual
9 defendants' acts were intentional and were carried out in gross disregard of plaintiffs' rights; and
10 the defendants recklessly disregarded whether or not their actions violated plaintiffs' rights.
11 Defendants acted with an evil mind. Defendants intended to cause injury to plaintiffs.

12 61. Defendants' wrongful conduct was motivated by spite or ill will. Defendants acted
13 to serve their own interests, having reason to know and consciously disregarding a substantial risk
14 that their conduct might significantly injure the rights of plaintiffs. Defendants consciously pursued
15 a course of conduct knowing that it created a substantial risk of significant harm to plaintiffs.

16 62. Each cause of action and the corresponding damages were foreseeable. Each action
17 was the legal cause in fact and in law of the corresponding damages.

18 **42 U.S.C. § 1983 AGAINST INDIVIDUAL OFFICERS**

19 63. All allegations contained in the previous paragraphs of this Complaint are
20 incorporated herein.

21 64. Igor Brik was detained on July 10, 2008, without either reasonable suspicion or
22 probable cause.

23 65. The initial detention was done without any articulable suspicion of criminality.

24 66. Igor was seized at all times material hereto as defined by United States Constitution,
25 Amendment IV.

26 67. Excessive force was used by Officer Henry and Officer Scott in violation of the City's

1 use of force policy when Igor had no idea why the police were in his home or trying to arrest him.

2 68. The officers' conduct constitutes unreasonable and excessive force in violation of
3 United States Constitution, Amendment IV.

4 69. The officers' conduct resulted in injuries to Igor. Igor received more than *de minimis*
5 injuries.

6 70. There was no justification for touching Igor. Igor did not pose a threat of physical
7 harm to the officers before they entered the house. The officers were not acting in self-defense or
8 defense of other persons.

9 71. There was an absence of probable cause for Igor's arrest and detention.

10 72. Igor was in custody at the County jail when he did not receive his required medication
11 and he suffered multiple seizures as a result, all of which resulted in injuries and damages described
12 herein.

13 73. The unknown detention officers' conduct in denying him medication and not
14 protecting him while in custody constitutes cruel and unusual punishment in violation of United
15 States Constitution, Amendment VIII.

16 74. The detention officers' conduct resulted in injuries to Igor. Igor received more than
17 *de minimis* injuries.

18 75. The officers and detention officers acted with malice.

19 76. The wrongful conduct of the officers, as alleged herein, constitutes violations under
20 color of state law of Title 42, U.S.C. § 1983. The officers, with deliberate and callous indifference,
21 deprived Igor of the rights, privileges and immunities secured to him by the Constitution and laws
22 of United States.

23 77. The wrongful conduct of the officers, as alleged herein and under color of state law,
24 constitutes violations of the United States Constitution, Art. IV, Section 2, in that Igor was denied
25 privileges and immunities granted to all citizens of the United States.

26 78. The wrongful conduct of the officers, as alleged herein and under color of state law,

1 constitutes violations of the United States Constitution, Amendment VIII, in that the officers
2 created conditions that violated Igor's rights to humane treatment.

3 79. The wrongful conduct of the officers, as alleged herein and under color of state law,
4 constitutes violations of the United States Constitution, Amendment XIV, in that Igor was deprived
5 of privileges and immunities guaranteed to all citizens of the United States, was deprived of his
6 liberty without due process of law, and was denied the equal protection of the law.

7 80. The officers' conduct and omissions are of such nature and extent to justify an award
8 of punitive damages under 42 U.S.C. § 1983.

9 81. Pursuant to the provisions of 42 U.S.C. § 1988, plaintiffs are entitled to recover
10 attorneys' fees as to the causes of action alleged under the Constitution and laws of the United
11 States.

12 **42 U.S.C. § 1983 AGAINST CHIEF HARRIS AND SHERIFF ARPAIO**

13 82. All allegations contained in the previous paragraphs of this Complaint are
14 incorporated herein.

15 83. Chief Harris and Sheriff Arpaio are legally responsible for the management of their
16 law enforcement personnel. They are legally responsible for the screening, hiring, training,
17 supervising, and retaining of their employees who have responsibility for providing security to the
18 public and to detainees.

19 84. Chief Harris and Sheriff Arpaio failed to properly supervise and control their
20 subordinates.

21 85. This lack of supervision and control caused Igor's injuries. Igor received more than
22 *de minimis* injuries.

23 86. The wrongful conduct of Chief Harris and Sheriff Arpaio, as alleged herein,
24 constitutes violations under color of state law of Title 42, U.S.C. § 1983. They, with deliberate and
25 callous indifference, deprived Igor of the rights, privileges and immunities secured to him by the
26 Constitution and laws of United States.

1 87. Under Chief Harris's supervision, excessive force was used by Officer Henry and
2 Officer Scott in violation of the United States Constitution, Amendment IV.

3 88. Under Sheriff Arpaio, the unknown detention officers' conduct in denying Igor
4 medication and not protecting him while in custody constitutes cruel and unusual punishment in
5 violation of United States Constitution, Amendment VIII.

6 89. Harris's and Arpaio's conduct and omissions are of such nature and extent to justify
7 an award of punitive damages under 42 U.S.C. § 1983.

8 90. Pursuant to the provisions of 42 U.S.C. § 1988, plaintiffs are entitled to recover
9 attorneys' fees as to the causes of action alleged under the Constitution and laws of the United
10 States.

11 **42 U.S.C. § 1983 AGAINST PHOENIX AND MARICOPA COUNTY**

12 91. All allegations contained in the previous paragraphs of this Complaint are
13 incorporated herein.

14 92. The City and County are legally responsible for the management of their law
15 enforcement personnel and the establishment and implementation of policies, procedures, and
16 protocols that govern interactions with citizens and detainees. Their responsibilities include
17 ensuring that these policies, procedures, and protocols satisfy all federal and state standards.

18 93. The City developed and maintained policies or customs exhibiting deliberate
19 indifference to the constitutional rights of persons in Phoenix, particularly regarding police
20 interactions with mentally handicapped adults.

21 94. The County developed and maintained policies or customs exhibiting deliberate
22 indifference to the constitutional rights of persons held by County jails, particularly regarding
23 detention and medical treatment of mentally handicapped adults.

24 95. The City and County also developed and maintained policies or customs of
25 inadequately training and supervising its officers, including the defendant officers, thereby failing
26 to adequately discourage constitutional violations. The City and County did not require appropriate

1 in-service training or re-training of officers in dealing with mentally handicapped adults.

2 96. As a result of the above described policies and customs, police officers of the City and
3 detention officers of the County, including the defendant officers, violate the rights of some of the
4 mentally handicapped adults who they detain, arrest, and hold in jail.

5 97. The policies and customs also lead the City and County officers, including the
6 defendant officers, to believe that their actions would not be properly monitored by supervisory
7 officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

8 98. The policies and customs demonstrate a deliberate indifference on the part of the
9 policymakers of the City and County to the constitutional rights of people in Phoenix and Maricopa
10 County.

11 99. These policy ramifications were known to the City and County and were disregarded
12 due to deliberate indifference to the rights of the citizens of the City of Phoenix and Maricopa
13 County.

14 100. The City's and County's policies or customs caused the violation of Igor's rights.

15 101. The City's and County's policies or customs caused Igor's injuries. Igor received
16 more than *de minimis* injuries.

17 102. The rights violated by the City's and County's policies and customs were clearly
18 established at the time of the injuries.

19 ASSAULT/BATTERY

20 103. All allegations contained in the previous paragraphs of this Complaint are
21 incorporated herein.

22 104. Officer Henry and Officer Scott intentionally put Igor Brik in reasonable apprehension
23 of immediate harmful or offensive contact.

24 105. Defendant officers intentionally grabbed and manhandled Igor, causing injury.

25 106. Igor did not consent to these acts and neither did his parents.

26 107. Defendant officers caused Igor damages by their harmful and offensive contact,

1 including but not limited to, pain and suffering, cuts, bruises, humiliation, intense fear, and other
2 damages in an amount to be proven at trial.

3 108. The City is vicariously liable for the assault and battery by the defendant officers as
4 they were acting within the scope of their employment with the City at the time of the incident.

5 **FALSE ARREST & IMPRISONMENT**

6 109. All allegations contained in the previous paragraphs of this Complaint are
7 incorporated herein.

8 110. On July 10, 2008, through July 14, 2008, defendant officers acted with the intent to
9 confine Igor Brik within boundaries fixed by defendant officers.

10 111. Defendant officers' acts directly resulted in confining Igor.

11 112. Igor was conscious of the confinement and was harmed by it.

12 113. Igor did not consent to the confinement.

13 114. Igor was damaged by the false arrest and imprisonment by the defendant officers in
14 an amount to be proven at trial.

15 115. The City is vicariously liable for the false arrest by the defendant officers as they were
16 acting within the scope of their employment with the City at the time of the incident.

17 116. The County is vicariously liable for the false imprisonment by the defendant officers
18 as they were acting within the scope of their employment with the County at the time of the incident.

19 **NEGLIGENCE AND GROSS NEGLIGENCE**

20 117. All allegations contained in the previous paragraphs of this Complaint are
21 incorporated herein.

22 118. The wrongful conduct of defendants officers as alleged herein constitutes negligence
23 and gross negligence under the common law of the State of Arizona, in that defendant officers
24 breached their duty of care to protect Igor from unreasonable risks of harm and to provide a safe
25 environment.

26 119. The wrongful conduct of defendants officers as alleged herein constitutes negligence

1 and gross negligence, and wanton, willful and malicious conduct, in that defendant officers acted
2 in a way that they knew, or had reason to know, created unreasonable risks of serious bodily harm
3 to Igor, and that defendant officers knew there was a high probability that substantial harm would
4 result when they attacked Igor.

5 120. The wrongful conduct of Chief Harris and Sheriff Arpaio as alleged herein constitutes
6 negligence and gross negligence under the common law of the State of Arizona, in that defendants
7 Chief Harris and Sheriff Arpaio breached their duty of care to protect Igor from unreasonable risks
8 of harm and to provide a safe environment by not properly hiring, supervising, and training their
9 officers.

10 121. As a direct and proximate result of the wrongful conduct of defendants, as alleged
11 herein, Igor Brik has suffered severe pain, physical injuries, and mental trauma.

12 122. As a direct and proximate result of the wrongful conduct of defendants, as alleged
13 herein, Pinkhas Brik and Isabella has suffered severe mental and emotional damages as a result of
14 helplessly watching their handicapped son be ruthlessly attacked and imprisoned without proper
15 medical care.

16 123. The City is vicariously liable for the negligence of the defendant officers and Chief
17 Harris as they were acting within the scope of their employment with the City at the time of the
18 incident.

19 124. The County is vicariously liable for the negligence of the defendant officers and
20 Sheriff Arpaio as they were acting within the scope of their employment with the County at the time
21 of the incident.

22 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

23 125. All allegations contained in the previous paragraphs of this Complaint are
24 incorporated herein.

25 126. Officer Henry's and Officer Scott's actions amount to negligence and gross negligence
26 as described herein, and such negligence and gross negligence created an unreasonable risk of bodily

1 harm to Igor as he was beaten, tasered, and arrested.

2 127. Defendant officers' negligence and gross negligence also created an unreasonable risk
3 of bodily harm to Pinkhas and Isabella Brik.

4 128. Defendant officers' negligence and gross negligence actually caused bodily harm to
5 Igor, which bodily harm and events causing such harm were directly witnessed by Pinkhas and
6 Isabella, causing them to suffer emotional distress and anguish.

7 129. Defendant officers' negligence and gross negligence also caused Igor to suffer
8 emotional distress and anguish.

9 130. Plaintiffs' emotional distress has resulted in physical injury in that each of the
10 plaintiffs have suffered from anxiety, nervousness, and depression since the time of the incident.

11 131. The City is vicariously liable for the negligent infliction of emotional stress by the
12 defendant officers as they were acting within the scope of their employment with the City at the time
13 of the incident.

14 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

15 132. All allegations contained in the previous paragraphs of this Complaint are
16 incorporated herein.

17 133. Officer Henry and Officer Scott intentionally or recklessly injured plaintiffs as
18 described herein.

19 134. Officer Henry and Officer Scott conduct was extreme and outrageous in that they
20 assaulted Igor, a mental handicapped man with the mind of a seven year old, after they were told that
21 they were only to intervene upon request from the Terros counselor. The officers knew Igor's
22 parents were in the immediate proximity to witness this attack on their child.

23 135. The unknown detention officers intentionally or recklessly also injured plaintiffs as
24 described herein.

25 136. The detention officers' conduct was extreme and outrageous in that they denied
26 essential medication to Igor after they were told by several different people, including the plaintiffs

1 and hospital, that he needed the medication to prevent serious seizures. The detention officers knew
 2 Igor's parents were aware of the situation and calling the jail regularly to inquire as to Igor's state.

3 137. The officers' conduct has caused plaintiffs to suffer severe emotional distress as
 4 described herein.

5 138. The City is vicariously liable for the intentional infliction of emotional distress by the
 6 defendant officers as they were acting within the scope of their employment with the City at the time
 7 of the incident.

8 139. The County is vicariously liable for the intentional infliction of emotional distress by
 9 the defendant officers as they were acting within the scope of their employment with the County at
 10 the time of the incident.

11 PUNITIVE DAMAGES

12 140. All allegations contained in the previous paragraphs of this Complaint are
 13 incorporated herein.

14 141. The officers acted with an evil mind.

15 142. The officers intended to cause injury to plaintiffs.

16 143. The officers' wrongful conduct was motivated by spite or ill will.

17 144. The officers acted to serve their own interests, having reason to know and consciously
 18 disregarding a substantial risk that their conduct might significantly injure the rights of plaintiffs.

19 145. The officers consciously pursued a course of conduct knowing that it created a
 20 substantial risk of significant harm to plaintiffs.

21 WHEREFORE, Plaintiffs pray for judgment against the Defendants as follows:

22 A. General damages in an amount to be determined at trial;

23 B. Punitive damages in an amount deemed just and reasonable against individual officers,
 24 Chief Harris, and Sheriff Arpaio as to the causes of action alleged herein;

25 C. Attorneys' fees as to the causes of action alleged under the Constitution and laws of
 26 the United States;

1 D. Costs of litigation; and

2 E. Such other and further relief which the Court and/or jury may deem just and
3 reasonable under the circumstances.

4 RESPECTFULLY SUBMITTED this 7th day of July, 2009.

5 JACKSON WHITE, P.C.

6
7 By 

8 Jeremy S. Geigle
9 Jared E. Everton
10 Ryan Hodges
11 40 N. Center Street, Suite 200
12 Mesa, Arizona 85201
13 Attorneys for Plaintiffs
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COPY

JUL - 7 2009

JACKSON WHITE

ATTORNEYS AT LAW

A Professional Corporation

40 North Center, Suite 200

Mesa, Arizona 85201

(480) 464-1111

Attorneys for Plaintiffs

Email: centraldocket@jacksonwhitelaw.com

By: Jeremy S. Geigle, No. 021786

Jared E. Everton, No. 021070

Ryan K. Hodges, No. 026639

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

PINKHAS and ISABELLA BRIK on behalf
of IGOR BRIK, a protected adult; PINKHAS
and ISABELLA BRIK, husband and wife,

Plaintiffs,

v.

MARICOPA COUNTY, a public entity;
JOSEPH M. ARPAIO, in his official and
individual capacity, and AVA ARPAIO, his
wife; CITY OF PHOENIX, a public entity;
JACK F. HARRIS, in his official and
individual capacity, and CONNIE HARRIS,
his wife; SHAWN HENRY, in his official and
individual capacity, and JANE DOE HENRY,
his wife; CRAIG SCOTT, in his official and
individual capacity, and JANE DOE SCOTT,
his wife; JOHN and JANE DOE OFFICERS;
JOHN and JANE DOE SUPERVISORS;
JOHN DOES I-X and JANE DOES I-X;
BLACK CORPORATIONS I-X; WHITE
ENTITIES I-X,

Defendants.

No. _____

CERTIFICATE ON
COMPULSORY ARBITRATION

The undersigned, attorney for Plaintiff, certifies that he knows the dollar limits and any other limitations set forth by the local rules of practice for the applicable superior court, and further certifies that this case **is not subject** to compulsory arbitration as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

JACKSON WHITE
ATTORNEYS AT LAW
A Professional Corporation

1 DATED this 7th day of July, 2009.

2 JACKSON WHITE

3
4 By 

5 Jeremy S. Geigle
6 Jared E. Everton
7 Ryan K. Hodges
8 40 N. Center Street, Suite 200
9 Mesa, Arizona 85201
10 Attorneys for Plaintiffs
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CITY CLERK DEPT.

2009 JUL 31 PM 1:24

RECEIVED

CITY OF PHOENIX

2009 JUL 31 PM 1:48

CITY CLERK'S OFFICE

JACKSON WHITE

ATTORNEYS AT LAW

A Professional Corporation

40 North Center, Suite 200

Mesa, Arizona 85201

(480) 464-1111

Attorneys for Plaintiffs

Email: centraldocket@jacksonwhitelaw.com

By: Jeremy S. Geigle, No. 021786

Jared E. Everton, No. 021070

Ryan K. Hodges, No. 026639

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

PINKHAS and ISABELLA BRIK on behalf
of IGOR BRIK, a protected adult; PINKHAS
and ISABELLA BRIK, husband and wife,

Plaintiffs,

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MARICOPA COUNTY, a public entity;
JOSEPH M. ARPAIO, in his official and
individual capacity, and AVA ARPAIO, his
wife; CITY OF PHOENIX, a public entity;
JACK F. HARRIS, in his official and
individual capacity, and CONNIE HARRIS,
his wife; SHAWN HENRY, in his official and
individual capacity, and JANE DOE HENRY,
his wife; CRAIG SCOTT, in his official and
individual capacity, and JANE DOE SCOTT,
his wife; JOHN and JANE DOE OFFICERS;
JOHN and JANE DOE SUPERVISORS;
JOHN DOES I-X and JANE DOES I-X;
BLACK CORPORATIONS I-X; WHITE
ENTITIES I-X,

Defendants.

No. _____

CV 2009-092267

S U M M O N S

If you want the advice of a lawyer, you may wish to
contact the Lawyer Referral Service at 602-257-4434 or
on-line at www.lawyerfinders.org. LRS is sponsored by
the Maricopa County Bar Association.

THE STATE OF ARIZONA TO THE DEFENDANTS:

MARICOPA COUNTY, a public entity

c/o Clerk of the Board of Supervisors,

301 W. Jefferson, 10th Floor, Phoenix, Arizona 85003

and

c/o Peter Crowley, Manager, Maricopa County Risk Management

222 N. Central Ave., #1110, Phoenix, Arizona 85004

**JOSEPH M. ARPAIO, in his official and individual capacity,
and AVA ARPAIO, his wife**

100 W. Washington Street, #1900, Phoenix, Arizona 85003

CITY OF PHOENIX, a public entity;

Phoenix City Council and Phoenix Risk Management Dept. c/o City Clerk
200 W. Washington St., 15th Floor
Phoenix, Arizona 85003

**JACK F. HARRIS, in his official and individual capacity,
and CONNIE HARRIS, his wife**

620 W. Washington Street
Phoenix, Arizona 85003

**SHAWN HENRY, in his official (Phoenix PD Badge # 6506) and
individual capacity, and JANE DOE HENRY, his wife**

Phoenix Police Department
620 W. Washington Street
Phoenix, Arizona 85003

**CRAIG SCOTT, in his official (Phoenix PD Badge # 4476) and
individual capacity, and JANE DOE SCOTT, his wife**

Phoenix Police Department
620 W. Washington Street
Phoenix, Arizona 85003

**JOHN and JANE DOE OFFICERS; JOHN and JANE DOE SUPERVISORS;
JOHN DOES I-X and JANE DOES I-X;
BLACK CORPORATIONS I-X; WHITE ENTITIES I-X**

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within twenty (20) days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona--whether by direct service, by registered or certified mail, or by publication--you shall appear and defend within thirty (30) days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until expiration of 40 days after date of such service upon the Director. Service by registered or certified mail without the State of Arizona is complete thirty (30) days after receipt of service. Service by publication is completed thirty (30) days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete thirty (30) days after filing the Affidavit of Compliance and return receipt or Officer's Return. RCP 4, ARS §20-222, 28-502, 28-503.

YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

1 YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or
2 proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee,
3 within the time required. You are required to serve a copy of any response upon the Plaintiffs'
4 attorney. RCP 10(d), ARS §12-311, RCP 5.

5 The names and address of Plaintiffs' attorneys are:

6 Jeremy S. Geigle, Jared E. Everton, and/or Ryan K. Hodges
7 JACKSON WHITE
8 40 N. Center St., Suite 200
9 Mesa, Arizona 85201

10 REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES
11 MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE BY PARTIES AT LEAST 3
12 JUDICIAL DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING.

13 SIGNED AND SEALED this date: JUL - 7 2009

14 MICHAEL JEANES, Clerk of the Court

15 By _____
16 Deputy Clerk

EXHIBIT B

1 Paul W. Holloway - 002046 (pholloway@hofklaw.com)
2 Larry J. Wulkan - 021404 (lwulkan@hofklaw.com)
3 HOLLOWAY ODEGARD FORREST & KELLY, P.C.
4 3101 North Central Avenue, Suite 1200
5 Phoenix, Arizona 85012
6 (602) 240-6670

7 Attorneys for Defendants City of Phoenix, Harris, Henry and Scott

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 IN AND FOR THE COUNTY OF MARICOPA

10 PINKHAS and ISABELLA BRIK, on
11 behalf of IGOR BRIK, a protected
12 adult; PINKHAS and ISABELLA BRIK,
13 husband and wife,

14 Plaintiffs,

15 v.

16 MARICOPA COUNTY, a public entity;
17 JOSEPH M. ARPAIO, in his official and
18 individual capacity, and AVA ARPAIO,
19 his wife; CITY OF PHOENIX, a public
20 entity; JACK F. HARRIS, in his official
21 and individual capacity, and CONNIE
22 HARRIS, his wife; SHAWN HENRY,
23 in his official and individual capacity,
24 and JANE DOE HENRY, his wife;
25 CRAIG SCOTT, in his official and
26 individual capacity, and JANE DOE
27 SCOTT, his wife, et al.,

28 Defendants.

Case No: CV2009-092267

**NOTICE OF FILING OF NOTICE
OF REMOVAL**

21 Defendants City of Phoenix, Harris, Henry and Scott hereby give notice that they
22 have filed this date, with the United States District Court for the District of Arizona, a
23 notice of removal of this action from the Superior Court of the State of Arizona, in and for
24 the County of Maricopa, to the United States District Court for the District of Arizona. A
25 copy of said notice of removal is attached hereto.

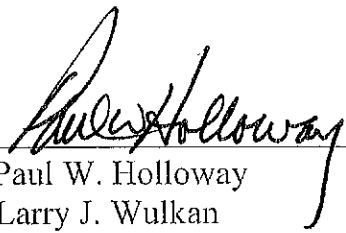
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1 DATED this 24th day of August, 2009.

2 HOLLOWAY ODEGARD FORREST & KELLY, P.C.

3
4
5 By


Paul W. Holloway

Larry J. Wulkan

3101 North Central Avenue, Suite 1200

Phoenix, Arizona 85012

Attorneys for Defendants City of Phoenix, Harris,

Henry and Scott

6
7
8
9
10 ORIGINAL of the foregoing
11 filed with the Court.

12 COPY of the foregoing mailed this
13 24th day of August, 2009, to:

14 Jeremy S. Geigle, Esq.

Jared E. Everton, Esq.

JACKSON WHITE

15 40 North Center Street, Suite 200

16 Mesa, Arizona 85201

Attorneys for Plaintiffs

17 Robin E. Burgess, Esq.

18 SANDERS & PARKS, P.C.

19 3030 North Third Street, Suite 1300

Phoenix, Arizona 85012

20 Attorneys for Defendant Maricopa County

21 Richard A. Stewart, Esq.

22 MARICOPA COUNTY OFFICE OF

SPECIAL LITIGATION SERVICES

23 234 North Central Avenue

24 Phoenix, Arizona 85004

Attorneys for Defendants Arpaio

25
26
27 

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Pinkas, Isabella and Igor Brik

(b) County of Residence of First Listed Plaintiff Maricopa
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jeremy S. Geigle, 40 N. Center, Ste. 200, Mesa, AZ 85201

DEFENDANTS

Maricopa County, Arpaio, City of Phoenix, Harris, Henry and Scott

County of Residence of First Listed Defendant Maricopa
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

Paul W. Holloway & Larry Wulkan, 3101 N. Central Ave., Ste. 1200, Phoenix, AZ 85012

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

Brief description of cause:
Violations of constitutional rights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

8-24-09

SIGNATURE OF ATTORNEY OF RECORD

s/Paul W. Holloway

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**SUPPLEMENTAL CIVIL COVER SHEET
FOR CASES REMOVED FROM ANOTHER JURISDICTION**

This form must be attached to the Civil Cover Sheet at the time the case is filed in the United States District Clerk's Office. Additional sheets may be used as necessary.

1. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code).

<u>Party</u>	<u>Party Type</u>	<u>Attorney(s)</u>
Pinkhas and Isabella Brik, Igor Brik	Plaintiffs	Jeremy S. Geigle, Esq. Jared E. Everton, Esq. JACKSON WHITE 40 North Center Street Suite 200 Mesa, Arizona 85201
City of Phoenix, Jack Harris, Connie Harris, Shawn Henry, Jane Doe Henry, Craig Scott, Jane Doe Scott	Defendants	Paul W. Holloway, Esq. Larry J. Wulkan, Esq. HOLLOWAY ODEGARD FORREST & KELLY 3101 North Central Avenue Suite 1200 Phoenix, Arizona 85012
Maricopa County	Defendants	Robin E. Burgess, Esq. SANDERS & PARKS, P.C. 3030 North Third Street Suite 1300 Phoenix, Arizona 85012

Joseph M. Arpaio and Defendants
Ava Arpaio

Richard A. Stewart, Esq.
MARICOPA COUNTY
OFFICE OF SPECIAL
LITIGATION SERVICES
234 North Central Avenue
Phoenix, Arizona 85004

2. Jury Demand:

Was a Jury Demand made in another jurisdiction? Yes X No _____

If "Yes," by which party and on what date?

Plaintiffs – July 7, 2009

3. Answer:

Was an Answer made in another jurisdiction? Yes ___ No X

If "Yes," by which party and on what date?

4. Served Parties:

The following parties have been served at the time this case was removed:

<u>Party</u>	<u>Date Served</u>	<u>Method of Service</u>
City of Phoenix	July 31, 2009	In Person
Jack Harris	July 31, 2009	In Person
Shawn Henry	August 5, 2009	In Person
Craig Scott	August 5, 2009	In Person
Maricopa County	August 3, 2009	In Person
Joseph M. Arpaio	August 3, 2009	In Person

5. Unserved Parties:

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason Not Served</u>
--------------	--------------------------

None

6. Nonsuited, Dismissed or Terminated Parties:

Please indicate changes from the style of the papers from another jurisdiction and the reason for the change:

<u>Party</u>	<u>Reason for Change</u>
--------------	--------------------------

N/A

7. Claims of the Parties:

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
--------------	-----------------

Plaintiffs	Claims for damages pursuant to 42 U.S.C. § 1983; alleged violations of constitutional rights as guaranteed by the 4 th , 8 th and 14 th Amendments to the Constitution of the United States, and various state law claims.
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Defendants	Deny any allegations of wrongdoing.
------------	-------------------------------------

Pursuant to 28 U.S.C. § 1446(a) a copy of all process, pleadings, and orders served in another jurisdiction (State Court) shall be filed with this removal.